

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DONNA W. SHERWOOD, <i>et al.</i> ,	)	
	)	
Plaintiff,	)	
	)	No. 3:12-CV-156
	)	(VARLAN/GUYTON)
V.	)	
	)	
TENNESSEE VALLEY AUTHORITY,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This case came before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the discovery dispute provision contained in the Scheduling Order [Doc. 76], for a telephonic conference on January 8, 2013.

The parties represented that they had a discovery dispute regarding Plaintiffs' request to depose John Hardyman and a corporate representative of TVA, along with Plaintiffs' Requests for Production of Documents. TVA opposes the Plaintiffs' taking this discovery, on the ground that Plaintiffs are not entitled to supplement the administrative record with regard to Count II of the Complaint, which alleges violation of the National Environmental Policy Act.

Pending before the District Judge is Plaintiffs' Motion to Supplement the Claimed Administrative Record, filed on October 22, 2012, [Doc. 142]. In that motion, the Plaintiffs ask the Court to allow them to "obtain evidence through discovery . . . including but not limited to the depositions of TVA officers John I. Hardyman . . . ." TVA has filed a response in opposition the Plaintiffs' motion arguing that the administrative record should not be supplemented. [Doc. 148].

During the telephone conference, the undersigned discussed the discovery dispute with the parties, but no resolution of the dispute was reached. The issue presented is currently pending before the District Judge and is intertwined with the Motion for Summary Judgment on Count II that is also currently pending before the District Judge. The undersigned can make no further findings or rulings on this discovery dispute given this procedural posture.

**IT IS SO ORDERED.**

ENTER:

/s H. Bruce Guyton  
United States Magistrate Judge